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5 *Attorneys for Defendants*
6 *Daniel David Gullick,*
7 *Wal-Mart Transportation LLC,*
and Wal-Mart Stores, Inc.

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 NANCY BERNSTEIN-LORENZ,

11 Plaintiff,

12 v.

13 DANIEL DAVID GULLICK, individually and
14 as an employee of WAL-MART
15 TRANSPORTATION, LLC; a foreign Limited
Liability Company; WAL-MART STORES
16 [INC.], *[erroneously identified as]* a foreign
17 Limited Liability Company; and DOE
18 Individuals 1-4, inclusive, and ROE
CORPORATIONS 6-10, inclusive,

19 Defendants.

20 FARMERS INSURANCE EXCHANGE, and as
21 Subrogee for Timothy Adam Lorenz,

22 Plaintiff In Intervention,

Case No.: 2:11-cv-01034-JCM-CWH

PROPOSED ORDER

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24 Pursuant to the Court's directive, issued during the October 19, 2011, hearing in this matter,
25 Defendant Wal-Mart Stores, Inc. hereby submits this Proposed Order:

26 **1. Defendants' Pending FRCP 34 Request**

27 On October 5, 2011, Defendants served, by U.S. Mail, on Plaintiff Nancy Bernstein-Lorenz
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1 (“Plaintiff”) and on Plaintiff In Intervention Farmers Insurance Exchange (“Farmers”), respectively,
2 Defendants’ Demand To Inspect A Motor Vehicle, Pursuant To FRCP 34 (the “Demand”).

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4 **2. The Court’s Directive**

5 During the October 19, 2011, hearing in this matter, the Court ordered that Plaintiff and
6 Farmers must each, by the deadline for responding to the Demand, either (1) make the subject vehicle
7 available to Defendants for inspection, including but not limited to making affirmative efforts to
8 discover the vehicle’s chain of custody from the date of the subject accident and the vehicle’s present
9 location; or (2) confirm in writing to Defense counsel that that party cannot produce this evidence in
10 this case, to enable Defendants to proceed with discovery and/or related motion practice. The Court
11 directed Defense counsel to “prepare, circulate and submit” this Proposed Order pursuant to its order
12 during the hearing.

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1 IT IS THEREFORE ORDERED that, on or before November 7, 2011, Plaintiff Nancy
2 Bernstein-Lorenz ("Plaintiff") and Plaintiff In Intervention Farmers Insurance Exchange
3 ("Farmers"), respectively, shall either (1) make the subject vehicle available to
4 Defendants for inspection, including but not limited to making affirmative efforts to
5 discover the vehicle's chain of custody from the date of the subject accident and the
6 vehicle's present location; or (2) confirm in writing to Defense counsel that that party
7 cannot produce this evidence in this case, to enable Defendants to proceed with discovery
8 and/or related motion practice.
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10 DATED this 6th day of November, 2011.

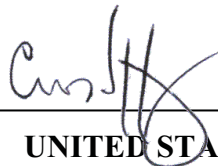
11 **PHILLIPS, SPALLAS & ANGSTADT LLC**

12
13 /s/ A. J. Sharp

14 A. J. SHARP, ESQ.
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19 *Attorneys for Defendants*
20 *Daniel David Gullick,*
21 *Wal-Mart Transportation LLC,*
22 *and Wal-Mart Stores, Inc.*

23 **IT IS SO ORDERED:**

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UNITED STATES MAGISTRATE JUDGE

DATED: November 7, 2011